



International Environmental
Law Research Centre

NARMADA BACHAO ANDOLAN
VS.
UNION OF INDIA (PETITION 319 OF 1994)

Narmada Bachao Andolan v. Union of India and Others,
Writ Petition (Civil) No. (2) 319 of 1994, Supreme Court of India,
Order of 5 May 1995 (interim measures)

ORDER OF 5 MAY 1995

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ORDER

Learned Solicitor General on instructions made the following statement which is placed on record:

(i) For the time being the effective height of the dam would be maintained at 80.30 metres which is the existing height between blocks 30 to 46, and

(ii) According to the report of the Dam Safety Panel dated 23/27.3.95 adopted by the Sardar Sarovar Construction Advisory Committee (SSCAC) at its meeting held on 3 May 1993, the height of the dam in blocks 29 and 47 to 50 should be raised uniformly to the EL 105 metres, a streamlined hump should be constructed along the downstream edge of the spillway crest, and in blocks 32 to 37 and 42 to 46 the hump should be of 3 metres height and in blocks 30, 31 and 38 to 41 the maximum height of the hump should not be more than 1.2 metre.

The particulars of these recommendations are contained in a copy of the Minutes and are shown in a sketch produced before us for this purpose. The same be kept on record as Annexures A & B.

Learned Solicitor General prayed that permission be granted for making the above constructions only in the meantime, retaining the effective height of the dam at 80.30 metres in the manner indicated above. He submits that this is essential to ensure safety of the dam and the stilling basin, according to the opinion given in the above report.

Learned counsel for the concerned state governments submitted that even though they may not fully agree with these recommendations yet at this stage, as an interim measure, for ensuring the safety of the dam, they would not object to grant of permission by the court to this extent only. Learned counsel for the governments of Madhya Pradesh and Maharashtra added that in this event their governments would take the necessary measures to ensure at least temporary rehabilitation of all families that may be affected by the larger submergence as a result of this further construction on the dam. We place this statement on record. Learned counsel for the petitioner, however, submitted that it is not necessary to either construct the humps or make the other construction as indicated above and that certain alternative measures could be adopted to achieve the same or better results.

Having considered these submissions, we are of the opinion that the statement made by learned Solicitor General which has been placed on record should be accepted as an interim measure at this stage and the concerned authorities be permitted to make the construction limited to the extent indicated for which permission is sought by the learned Solicitor General on behalf of the concerned authorities. The concerned State Governments having given their assurance to take all the necessary measures to provide the requisite relief and rehabilitation needed by the affected families as a result of likely submergence of a larger area on account of this extra construction, no direction in this behalf by us is necessary. It is, however, made clear that the concerned Governments would take at least temporary measures wherever it is not possible for them due to paucity of time to take permanent measures. We make it clear that the merits of the submission made on behalf of the petitioner by Shri Prashant Bhushan are not to be treated as rejected by this Court and this order is being made only on the ground of expediency at this stage.

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